

# Exhibit 38

JAMES McMANIS (40958)  
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*Counsel for Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION**

Case No. 3:07-cv-5944  
MDL No. 1917

**CLASS ACTION**

This Document Relates to:  
All Indirect Purchaser Actions

**DECLARATION OF JAMES McMANIS IN  
SUPPORT OF PLAINTIFFS' APPLICATION  
FOR ATTORNEYS' FEES, EXPENSES AND  
INCENTIVE AWARDS**

Judge: Honorable Samuel Conti  
Courtroom One, 17th Floor

1 I, James McManis, declare as follows:

2 1. I am an attorney licensed to practice before the courts of the state of California, and  
3 a Partner in the law firm of McManis Faulkner. I have personal knowledge of the facts stated in  
4 this declaration and, if called as a witness, I could and would testify competently to them. I make  
5 this declaration in support of my firm's request for attorneys' fees and reimbursement of litigation  
6 expenses, as set forth in Plaintiffs' Application for Attorneys' Fees, Expenses and Incentive  
7 Awards.

8 2. My firm is counsel of record in this case, and represents named plaintiff(s) Carmen  
9 Gonzalez. A brief description of my firm is attached as Exhibit 1 and incorporated herein by  
10 reference.

11 3. Throughout the course of this litigation, my firm kept files contemporaneously  
12 documenting all time spent, including tasks performed, and expenses incurred, and transmitted  
13 those reports on a regular basis to Lead Counsel. All of the time and expenses reported by my firm  
14 were incurred for the benefit of the Indirect Purchaser Plaintiffs ("IPPs").

15 4. During the course of this litigation, my firm has been involved in the following  
16 tasks and activities on behalf of the IPPs. All of this work was assigned and/or approved by Lead  
17 Counsel.

- 18 ▪ Legal research;
- 19 ▪ Case assessment and strategy;
- 20 ▪ Client meetings;
- 21 ▪ Court/hearing attendance;
- 22 ▪ Drafting of discovery requests and responses;
- 23 ▪ Document review; and
- 24 ▪ Review and analysis of motions and pleadings.

25 5. The schedule attached as Exhibit 2, and incorporated herein, is a detailed summary  
26 of the amount of time spent by my firm's partners, attorneys and professional support staff who  
27 were involved in this litigation. It does not include any time devoted to preparing this declaration  
28


1 or otherwise pertaining to the Joint Fee Petition. The lodestar calculation is based on my firm's  
2 historical billing rates in effect at the time services were performed. Exhibit 2 was prepared from  
3 contemporaneous time records regularly prepared and maintained by my firm. Those records have  
4 been provided to Lead Counsel and I authorize them to be submitted for inspection by the Court if  
5 necessary. The hourly rates for my firm's partners, attorneys and professional support staff  
6 included in Exhibit 2 were at the time the work was performed the usual and customary hourly  
7 rates charged for their services in similar complex litigation.

8 6. The total number of hours reasonably expended on this litigation by my firm from  
9 inception to May 31, 2015 is 131.80 hours. The total lodestar for my firm at historical rates is  
10 \$52,440.00. The total lodestar for my firm at current rates is \$66,239.50. Expense items are billed  
11 separately and are not duplicated in my firm's lodestar.

12 7. The expenses my firm incurred in litigating this action are reflected in the books  
13 and records of my firm. These books and records are prepared from expense vouchers, invoices,  
14 receipts, check records and other source materials and accurately reflect the expenses incurred.  
15 My firm's expense records are available for inspection by the Court if necessary.

16 8. My firm incurred a total of \$4,334.12 in unreimbursed expenses, all of which were  
17 reasonable and necessary for the prosecution of this litigation. This amount reflects non-common  
18 litigation expenses incurred by my firm, such as travel, meals and lodging, copying, legal research,  
19 telephone, etc. A summary of those expenses by category is attached as Exhibit 3.

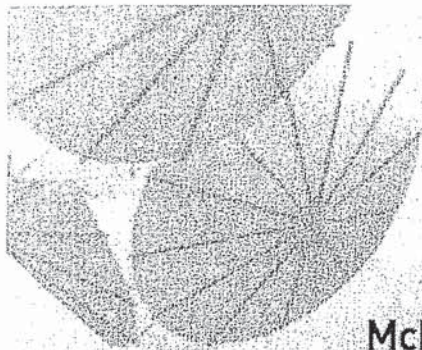
20 I declare under penalty of perjury that the foregoing is true and correct. Executed  
21 this 14th day of September 2015, in San Jose, California.

22  
23  
24   
25  
26  
27  
28

JAMES McMANIS

**EXHIBIT 1**




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## McManis-Faulkner

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We measure our success where it matters most.

While our firm has grown and evolved over the last 43 years, we have adhered to three basic principles: steadfast dedication to our vocation as trial lawyers, unwavering client focus, and commitment to team excellence. We measure our success not only in the courtroom, but in the long-term relationships we build with our clients.

McMANIS  
FAULKNER

### NEWS

[McManis Faulkner Partner Christine Peek Honored by Silicon Valley Business Journal as Top Young Executive in 40 Under 40 Supplement](#)

[Five McManis Faulkner Partners Named To Northern California Super Lawyers 2015](#) @

[Nine McManis Faulkner Attorneys Named to Northern California Super Lawyers 2015 Rising Stars](#) @

[McManis Faulkner Named In Bay Area News Group's Top Workplaces In Bay Area](#)

### SUCCESS

[McManis Faulkner Successful in the Ninth Circuit](#)

[McManis Faulkner Wins Unanimous Jury Verdict](#)

[MF Obtains Victory in Sixth District Court of Appeal](#)

[McManis Faulkner Obtains \\$11.3 Million Settlement](#)

[McManis Faulkner Obtains Largest Ever Sanction Award](#)

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### EVENTS

[Silicon Valley Business Journal 40 Under 40 Award Event](#)  
August 20, 2015

[SCCBA CLE Event: 21st Century Technologies and Their Extraordinary Legal Implications](#)  
June 23, 2015

[MCLE Event: SCCBA's Pre-Trial Motions Seminar](#)  
June 11, 2015

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## McManis-Faulkner

PEOPLE PRACTICE PROFILE PRESS BLOG



LITIGATION  
 FAMILY LAW  
 EMPLOYMENT LAW  
 CRIMINAL LAW  
 APPELLATE LAW  
 CONFLICT RESOLUTION  
 AND ADR

Litigation  
 Commercial  
 General Civil  
 Plaintiff  
 Probate

## LITIGATION

Litigation is the lifeblood of the McManis Faulkner firm. Advocacy is what we have to offer, and good advocacy benefits any kind of case. That is our belief, and one of the reasons for our success.

Each firm lawyer brings knowledge of and experience in specific areas of practice; however, few of us would describe our professional accomplishments by pointing to one or two of these areas. Rather, we think of ourselves as generalists—trial lawyers, not litigators. And, there are few California firms that have the breadth of experience that McManis Faulkner brings to a case.

We have appeared in court in almost every kind of civil and criminal dispute, and tried significant number of them to verdict and judgment. Whether the case is a high stakes criminal prosecution, a complex civil case, or a bitter divorce, the firm's clients enjoy an advantage when represented by a McManis Faulkner lawyer.

- [Commercial](#)
- [General Civil](#)
- [Plaintiff](#)
- [Probate](#)



## Case Studies

The firm represented an entertainment company in an action in the United States District Court for the Northern District of California brought by two long time activists.

&gt;&gt;&gt;

McManis Faulkner represented the Ringling Bros. and Barnum & Bailey Circus in an action brought by two long time, self-proclaimed animal rights activists.>>>



## James McManis

Partner

[jmcmanis@mcmanislaw.com](mailto:jmcmanis@mcmanislaw.com)

Telephone 408.279.8700

Facsimile 408.279.3244

[Download Vcard](#)



Focus - [Litigation](#), [Commercial Litigation](#), [Criminal Law](#), [Employment Law](#), [Family Law](#), [ADR](#)

member of the trial bar for more than 40 years, Jim has unparalleled experience and skill in preparing and presenting cases for adjudication – whether by jury, judge, arbitrator, mediator or the parties themselves. He represents Silicon Valley companies with commercial, trade secret and intellectual property issues. Jim also represents individuals in a wide variety of matters, including civil rights actions, employment disputes, family law and criminal defense.

### Representative Matters

- Achieved a six-figure verdict for an African-American investigator with the San Jose City Attorney's office in a civil rights action arising out of police misconduct against the plaintiff and his family.
- Obtained a verdict in excess of \$600,000 in an employment action against the City of San Jose arising out of the wrongful termination of the City's African-American fire chief.
- Defended Ringling Brothers and Barnum & Bailey animal trainer Mark Gebel (son of the legendary Gunter Gebel-Williams) on a charge of elephant abuse, resulting in an acquittal following a trial in which no defense evidence was presented.
- Represented a Silicon Valley executive on felony charges of molesting his children following a bitter divorce. The client was acquitted on all counts.
- Successfully defended at trial a will contest involving the estate of a Silicon Valley CEO and subsequently represented the plaintiff on appeal in a related case involving precedent-setting anti-SLAPP suit litigation.
- Obtained an \$86 million judgment for a Fortune 500 technology company in bitterly contested commercial litigation.

### Professional and Community Contributions

Frequent lecturer, Jim is passionate about the education of those in the legal profession. He has served on the faculty of the Intensive Advocacy Program of the University of San Francisco Law School, the Advocacy Skills Workshop at Stanford University Law School, and as a lecturer at Boalt Hall, University of California (Berkeley Law). In addition, Jim has taught at the California Center for Judicial Education and Research (CJER). He also serves on the Board of Trustees for the University of California Berkeley Foundation.

Jim has also served as Special Master for the Santa Clara County Superior Court, the U.S. Bankruptcy Court, and the U.S. District Court for the Northern District of California in the Technical Equities cases, described as involving the largest securities fraud in California history. He also has served as a Judge Pro Tem for the Santa Clara County Superior Court and a Specic



member of the State Bar of California. Jim also was a member of the California State Bar's Task Force on Admissions Regulation Reform.

## **wards and Honors**

- Fellow, Academy of Court Appointed Masters
- Honorary Bencher of the Honorable Society of King's Inns, the oldest institution of legal education in Ireland
- Fellow, American College of Trial Lawyers
- Fellow, Litigation Counsel of America
- Fellow, American Bar Foundation
- Fellow, International Academy of Trial Lawyers (membership limited to top 500 trial lawyers in U.S.)
- Listed in The Best Lawyers in America® for 17 consecutive years, currently in Bet-the-Company Litigation; Commercial Litigation; Criminal Defense: White-Collar; Litigation - First Amendment; Litigation - Intellectual Property; and Litigation - Municipal
- The National Trial Lawyers Top 100 Trial Lawyers, 2015
- Appears in Who's Who in America
- Named to the Northern California Super Lawyers (2004 - 2015)
- Named one of Top 100 in Northern California Super Lawyers (2009–2014)
- Received with his spouse, Sara, the Trustees Citation from the University of California, Berkeley Foundation for "outstanding achievement in a major fundraising program"
- Honored with the Philip J. Berelson Award for Generous Philanthropy
- Named to the President's Blue Ribbon Commission on Diversity, Santa Clara County Bar Association, and accepted, on behalf of McManis Faulkner, the Bar's Unsung Heroes Award



## **ported Cases**

- Ibrahim v. Department of Homeland Security (N.D. Cal., Jan. 14, 2014, No. 06-00545 WHA) \_\_\_ F. Supp.3d \_\_\_, 2014 WL 6609111.
- Ibrahim v. Department of Homeland Security (9th Cir. 2012) 669 F.3d 983.
- County of Santa Clara v. Superior Court (Naymark) (2009) 171 Cal.App.4th 119.
- Ibrahim v. Department of Homeland Security (9th Cir. 2008) 538 F.3d 1250.
- Sutter's Place v. Superior Court (2008) 161 Cal.App.4th 1370.
- Jasmine Networks, Inc. v. Marvell Semiconductor, Inc. (2008) 76 Cal.Rptr.3d 172.
- State Board v. Superior Court (2006) 138 Cal.App.4th 951.
- Jasmine Networks v. Marvell (2004) 117 Cal.App.4th 794.
- Zhao v. Wong (1996) 48 Cal.App.4th 1114.
- Fenwick & West v. Superior Court of Santa Clara County (1996) 43 Cal.App.4th 1272.
- Estate of Wong (1995) 40 Cal.App.4th 1198.
- Stalberg v. Western Title Insurance Company (1994) 27 Cal.App.4th 925.
- Portman v. County of Santa Clara (9th Cir.1993) 995 F.2d 898.
- Wright v. City of Santa Clara (1989) 213 Cal.App.3d 1503.
- Lazzaro v. Larson; In re Romo (1987) 190 Cal.App.3d 279.
- People v. Pringle (1984) 151 Cal.App.3d 854.
- People v. Conner (1983) 34 Cal.3d 141.
- Filmamatic Corporation v. General Electric Company (1980) 1980 – 1982 Trade Cas. (CCH) P63, 417.

## **rticles and Blogs**

- "Be True To Your School" Daily Journal, October 10, 2011
- "Goodwill Between US and China" Daily Journal, August 17, 2011
- "Taking the Fifth Amendment In No Way Implies Guilt"

- THE INTERNATIONAL ACADEMY OF CHINESE LAWYERS CHINA PROGRAM BUILDS GOODWILL AND HELPS SHAPE CHINESE LAW

## **Admissions**

State Bar of California

U.S. District Court, Northern, Central, Southern, and Eastern Districts of California

U.S. Ninth Circuit Court of Appeals, Federal Circuit, and D.C. Circuit

U.S. Supreme Court

## **Education**

D., University of California, Berkeley School of Law, 1967

B.A. in History, with Distinction, Phi Beta Kappa, Stanford University, 1964

## **Languages**

German

## **Short Bio**

# **EXHIBIT 2**



## EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

## TIME AND LODESTAR SUMMARY

## INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2007		

[illegible]

## EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

### TIME AND LODESTAR SUMMARY

## INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2008		

[illegible]

## EXHIBIT 2

## IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

## TIME AND LODESTAR SUMMARY

## INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2009		

Name/Status	Hourly Rate	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
Jim McManis (P)	\$ 750.00	0.2									0.6			0.8	\$ 600.00
Marwa Elzankaly (P)	\$ 425.00										2.1			2.1	\$ 892.50
Josh Vorhees (A)	\$ 350.00	0.3												0.3	\$ 105.00
Neda Shakoori (PL)	\$ 150.00										0.9			0.9	\$ 135.00
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		0.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	3.6	0.0	0.0	4.1	\$ 1,732.50



[illegible]

## EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

### TIME AND LODESTAR SUMMARY

## INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2011		

[illegible]

## EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

## TIME AND LODESTAR SUMMARY

### INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2012		

[illegible]



## EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

## TIME AND LODESTAR SUMMARY

## INDIRECT PURCHASER PLAINTIFFS

<b>Firm Name</b>	<b>McManis Faulkner</b>		
<b>Reporting Year</b>	<b>2013</b>		

[illegible]

[illegible]

## EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

### TIME AND LODESTAR SUMMARY

## INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2015		

[illegible]

EXHIBIT 2  
IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917  
TIME AND LODESTAR SUMMARY  
INDIRECT PURCHASER PLAINTIFFS

<b>Firm Name</b>	McManis Faulkner		
<b>Reporting Year</b>	Inception through Present		

Year		1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
2007		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
2008		9.10	0.00	1.40	18.20	0.00	0.00	0.00	0.00	0.00	24.00	0.00	0.00	52.70	\$ 21,880.00
2009		0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.60	0.00	0.00	4.10	\$ 1,732.50
2010		4.60	0.00	1.30	11.60	0.00	0.00	0.00	0.00	0.00	10.70	0.00	0.00	28.20	\$ 11,005.00
2011		6.40	0.00	4.60	30.00	0.00	0.00	0.00	0.00	0.00	5.80	0.00	0.00	46.80	\$ 17,822.50
2012		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
2013		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
2014		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
2015		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
		20.60	0.00	7.30	59.80	0.00	0.00	0.00	0.00	0.00	44.10	0.00	0.00	131.80	\$ 52,440.00

**STATUS:**

(P) Partner  
(OC) Of Counsel  
(A) Associate  
(LC) Law Clerk  
(PL) Paralegal  
(I) Investigator

**CATEGORIES:**

1 Attorney Meeting/Strategy  
2 Court Appearance  
3 Client Meeting  
4 Draft Discovery Requests or Responses  
5 Deposition Preparation  
6 Attend Deposition - Conduct/Defend  
7 Document Review  
8 Experts - Work or Consult  
9 Research  
10 Motions/Pleadings  
11 Settlement  
12 Trial



**EXHIBIT 3**

## EXHIBIT 3

## IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

## EXPENSE SUMMARY

## INDIRECT PURCHASER PLAINTIFFS

<b>Firm Name</b>	<b>McManis Faulkner</b>
<b>Reporting Year</b>	<b>Inception through Present</b>

<b>TYPE OF EXPENSE</b>		<b>TOTAL</b>
Assessments		
Outside Copies		\$ 46.50
In-house Reproduction /Copies		\$ 1,697.80
Court Costs & Filing Fees		\$ 350.00
Court Reporters 7 Transcripts		\$ 15.30
Computer Research		\$ 2,042.09
Telephone & Facsimile		
Postage/Express Delivery/Courier		\$ 34.63
Professional Fees (investigator, accountant, etc.)		
Experts		
Witness / Service Fees		
Travel: Airfare		
Travel: Lodging/Meals		
Travel: Other		
Car Rental/Cabfare/Parking		\$ 147.80
Other Expenses		
		\$ 4,334.12